

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Hsa Pwee Moo,

Civ. No. 20-1367 (ECT/BRT)

Petitioner,

v.

**REPORT AND  
RECOMMENDATION**

Immigration and Customs Enforcement,

Respondent.

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Petitioner Hsa Pwee Moo neither submitted the required filing fee for this action nor applied for *in forma pauperis* (“IFP”) status upon commencing this action. In a letter dated June 15, 2020, Moo was informed that he would be required to submit the filing fee or IFP application within 15 days, failing which this matter could be dismissed without prejudice for failure to prosecute. (*See* Doc. No. 2.)

That deadline has now passed, and Moo has not submitted the required filing fee or applied for IFP status. In fact, Moo has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the letter previously sent to Moo, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### **RECOMMENDATION**

Based upon the foregoing, and on all of the files, records, and proceedings herein,

**IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: July 8, 2020

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).